

REMARKS

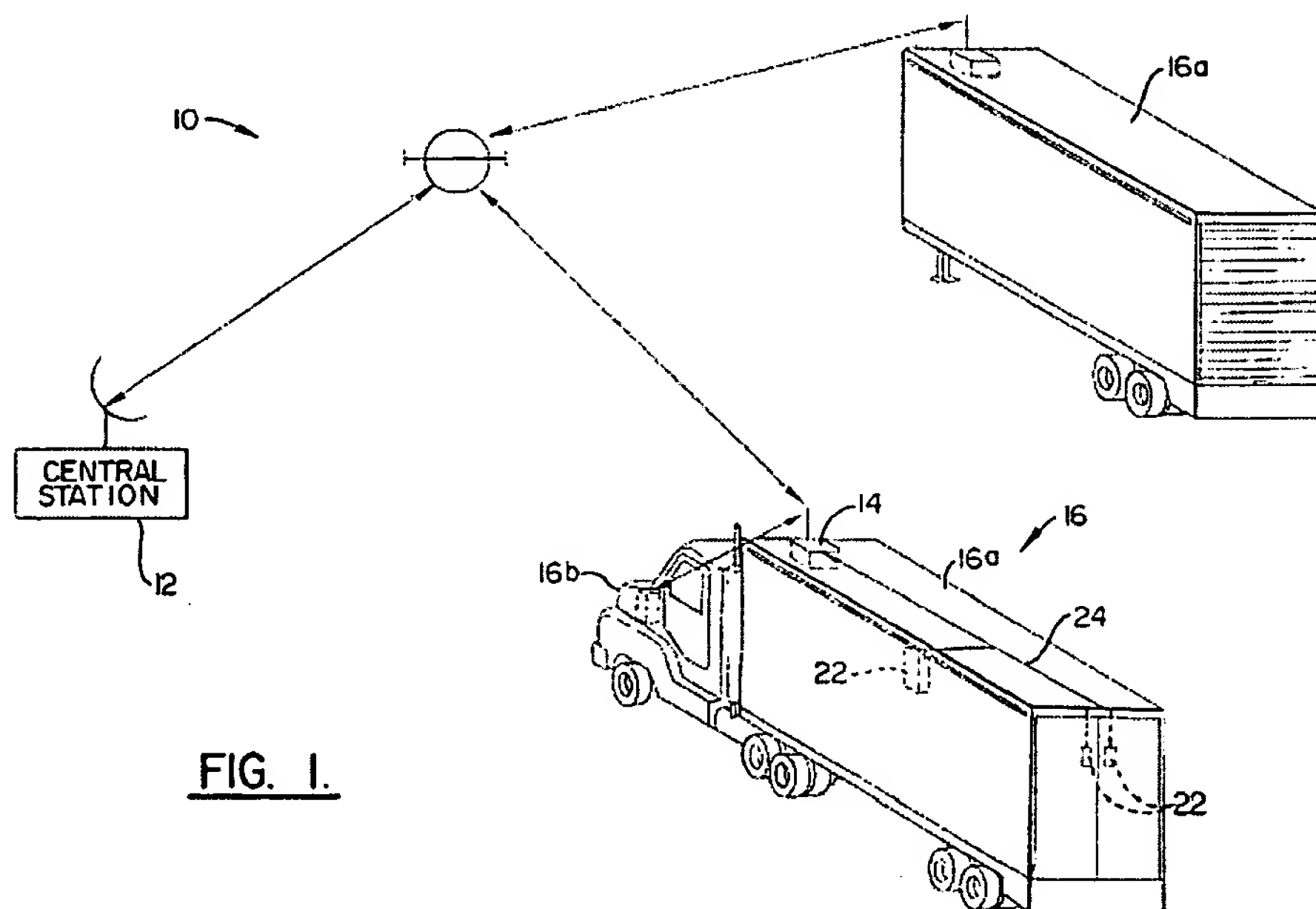
This responds to the Office Action mailed on March 17, 2008.

No claims are amended, canceled, or added as a result, claims 1-28 remain pending in this application.

§103 Rejection of the Claims

Claims 1-10, 12-22 and 25-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keillor et al. (U.S. Patent No. 5,917,433) in view of Klanke (U.S. Patent No. 6,313,791) and Paradox for Window's User's Guide).

Keillor describes an asset monitoring system (see Fig. 1 below) used to track containers such as trailers, railcars, shipping containers, etc. An asset monitor is placed in each container. The asset monitor communicates with a central station so that the central station is aware of the location of the trailer. In addition, sensors mounted within the trailer can monitor such things as the temperature of the container and send that information back to the central station.



The Examiner stated that Keillor discloses a railway terminal, "wherein each railway terminal includes means for receiving a train having a plurality of rail cars and means for receiving trailers to be loaded on the rail cars and wherein each railway terminal includes a

railway terminal management system communicatively connected to the computer system, wherein the railway terminal management system pulls up the record corresponding to the trailer to be transported when the trailer arrives at the terminal and modifies the record to reflect the trailer's transportation status" as required by claims 1-10.

According to the Examiner, the "railway terminal" in Keillor is the "asset monitor 14" stored in each truck trailer. Applicant teaches and claims in claims 1-10 that the "railway terminal includes means for receiving a train having a plurality of rail cars." Keillor's asset monitor is incapable of "receiving a train having a plurality of rail cars" as required by claim 1.

Applicant teaches and claims in claims 1-10 that the "railway terminal includes ... means for receiving trailers to be loaded on the rail cars." Keillor's asset monitor is incapable of "receiving trailers to be loaded on the rail cars" as required by claim 1.

The Examiner stated that "each asset monitor for the trailer [in Keillor] would serve as an independent terminal since the asset monitor receives each trailer by way of distinct communication links with the central station." The Examiner appears to be suggesting that the asset monitor includes "means for receiving trailers to be loaded on the rail cars" as defined by Applicant and claimed in claims 1-10. Applicant is unable to find any teaching in Keillor that would lead one to modify the asset monitor of Keillor to include "means for receiving a train having a plurality of rail cars and means for receiving trailers to be loaded on the rail cars" as required by claims 1-10. This appears to be a taking of Official Notice. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant objects to such reliance on Official Notice, and requests that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03.

Claims 1-10 require that "each railway terminal includes a railway terminal management system communicatively connected to the computer system." According to the Examiner, the asset monitor of Keillor is both the railway terminal and the railway terminal management system.

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asset monitor of Keillor is both the railway terminal and the railway terminal management system.

The Examiner stated that Keillor's asset monitor "pulls up the record corresponding to the trailer to be transported when the trailer arrives at the terminal and modifies the record to reflect the trailer's transportation status." For support the Examiner turns to Keillor, col. 3, lines 45-54, where Keillor states:

The asset monitoring system and, in one embodiment, the asset monitor, include communications means, such as a communications transceiver, for establishing a first communications link between the asset monitor and the remotely located central station. The communications means of the asset monitor is adapted to transmit information, such as the location of the container, the status of the container and its contents and the effective time and date of the location and status information, to the central station via the first communications link, even during untethered periods.

and on Keillor, col. 7, lines 44-54, where Keillor states:

In addition to or instead of generating interrupt signals, the sensors can provide sensory signals indicative of the measured condition, such as the temperature within a refrigerated or unrefrigerated trailer, and/or sensory signals which provide additional details of the sensed condition, such as the relative condition of a door. Based upon this type of sensory signal, the asset monitor and/or the central station can store data relating the sensory signals and can monitor the sensed condition, such as to detect trends or to determine if the sensed condition is within acceptable limits, as described below.

and on Keillor, col. 10, line 65 through col. 11, line 10, where Keillor states:

As a further example, the central station 12 may request an update on the status of the various sensors 22. Accordingly, the asset monitor 14 can determine if any of the sensors have generated an interrupt since the last update and, if so, the asset monitor can transmit information to the central station which defines the sensor which generated the interrupt and the time and date of the interrupt, for example. The central station can thereafter process and store the sensed data as described below. Alternatively, the asset monitor can transmit information relating to the actual condition or event which was sensed, such as the temperature of a refrigerated trailer, or well or the time and date of the sensed condition or event for analysis by the central station.

Applicant is unable to see in any of these passages (or anywhere else in any of the cited references) where any reference teaches, describes or suggests that Keillor's asset monitor

should be adapted to pull up the record corresponding to the trailer to be transported when the trailer arrives at the terminal and which modifies the record to reflect the trailer's transportation status as required by claims 1-10. In fact, if the asset monitor is both installed in the trailer and is an independent railway terminal, the system could never detect when the trailer arrives at the terminal as taught by Applicant and claimed in claims 1-10. Instead, the terminal and the trailer would be coexistent.

Furthermore, there is no teaching or suggestion in Keillor to detect arrival at a particular location and to communicate that arrival to a computer as taught by Applicant and as required in claims 1-10.

The Examiner stated that Keillor discloses "wherein the computer system includes a reservation system for reserving a slot on a train, wherein the reservation system operates in conjunction with the trailer tracking program to ensure that a trailer to be transported is placed on its assigned train" as taught by Applicant and claimed in claim 3. Applicant respectfully submits that none of the cited references teach, describe or suggest reserving slots on a train for trailers and using the reservation system in conjunction with a trailer tracking program to ensure that a trailer to be transported is placed on its assigned train.

Likewise, the Examiner has failed to show a trailer tracking system as defined by Applicant and claimed in claim 4, or the use of a portable computer as the trailer tracking system as required by claims 6-8.

The Examiner stated that the railway terminals of claims 12-22 and 25-28 are the asset monitors of Keillor. As noted above, Keillor's asset monitor are not "configured to receive trains having a plurality of rail cars and to receive trailers to be loaded on the rail cars" as required by claims 12-22 and 25-28. Furthermore, trailers are incapable of entering and leaving Keillor's asset monitors as required by claims 12-22 (since the asset monitors are mounted within each container). The asset monitor is also, therefore, incapable of monitoring the arrivals and departures of the trailers as required by claims 12-22.

The Examiner seems to be stating that limitation of the terminal management system of claims 25-28 is also met by the asset monitors of Keillor. That would mean that each asset monitor would be include "means for transferring information about trailers being transported from the railway terminals through the network interface to the computer system" and "means

for receiving information about trailers being transported from the railway terminals from the computer system through the network interface.” As noted above, if the asset monitor is both the terminal management system and the railway terminal, there is no need for means for transferring information about trailers being transported from the asset monitors or for receiving information about trailers being transported from the asset monitors since the asset monitors are incapable of containing containers. Keillor is, therefore, missing key limitations of claims 25-28.

The Examiner stated that, although Keillor does not specifically disclose that the terminal management system includes “an access restriction system which restricts access to physical locations within the railway terminal” as required by claims 9, 14 and 15, Klanke teaches the use of an electronic fence to restrict movement of a vehicle to a particular area. The Examiner stated that it would be obvious to modify Keillor as taught by Klanke to include an electronic fence as an access restriction area.

Previously, the Examiner stated that Keillor’s “railway terminal” is the asset monitor stored in each container. Klanke’s electronic fence applied to the asset monitor of Keillor would therefore limit movement of the container to “physical locations within” the asset monitor, i.e., within the container itself. The combination is, therefore, inoperable.

Applicant respectfully submits that claims 1-10, 12-22 and 25-28 are in condition for allowance. Reconsideration is respectfully requested.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Keillor et al. (U.S. Patent No. 5,917,433) in view of Klanke (U.S. Patent No. 6,313,791) and further in view of Nijenhuis (PCT/NL98/00128).

Applicant respectfully submits that claim 2 is allowable as dependent on an allowable base claim. Reconsideration is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date: August 18, 2008

By Thomas F. Brennan
Thomas F. Brennan
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of August 2008.

PATRICIA A. HULTMAN

Name

Patricia A. Hultman
Signature